

From: David Kuder
To: Microsoft ATR
Date: 1/24/02 6:54pm
Subject: Microsoft Settlement

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Ms. Hess,

Even while attempting to send this message to you I ran into an instance Of Microsoft's power. My company requires me to use Outlook and it gives Me (that "Me" was capitalized by Outlook not me) two choices for composing messages: Word or whatever this thing that I'm typing at is. Whatever it is it's sad. Its programmers believe that I can't spell or type.

I am against the proposed Final Judgement. I feel it does a poor job of punishing Microsoft for its actions. I also strongly feel it does a poor job of requiring or encouraging Microsoft to correct its behaviour.

I'm not a lawyer. I just stuck a dart in the PFJ and hit section III.J.2.b. One reading of that section would be: "Microsoft promises to continue to deny individuals with purposes such as criticism, comment, news reporting, teaching, scholarship, or research from seeing their APIs because those are not legitimate business needs". As Bruce Perens writes in <http://slashdot.org/features/980720/0819202.shtml>:

First, publish the source code to your program, or, in the case of a cryptography program, publish complete details of the encryption algorithm so that a programmer can understand exactly how the code works. Encourage programmers to study your system and to attempt to break it. Only when a program has been publicly reviewed this way, and when people have tried to break it and have failed, can you be

assured

that it's useful for concealing your secrets.

But PFJ allows them to deny in the name of security the one thing all security

experts agree on -- there is no security through obscurity.